

## AMENDMENTS TO THE CLAIMS

The following Listing of Claims will replace all prior versions, and listings, of claims in the application:

### Listing of Claims:

Claim 1 (currently amended): A method of forming ~~a porous structure~~ particles, the method comprising:

~~providing a composite comprising~~ particles that comprise at least a first material that is not soluble in a supercritical fluid and a second material that is soluble in a supercritical fluid; and

contacting the composite particles with the supercritical fluid to extract the second material from the composite particles and thus form ~~the porous structure~~ particles having an aerodynamic size range of from about 0.5 to about 5 microns and a geometric volume diameter of from about 1 to about 20 microns.

Claim 2 (canceled)

Claim 3 (currently amended): The method according to claim-~~2~~ 1 wherein the first material is selected from the group consisting of pharmaceuticals, biodegradable polymers, biological agents and combinations of two or more thereof.

Claim 4 (currently amended): The method according to claim-~~2~~ 1 wherein the composite particles are in a fluidized bed when contacted with the supercritical fluid.

Claim 5 (currently amended): The method according to claim-~~2~~ 1 wherein the composite particles are suspended in a solvent that is not soluble in the supercritical fluid when contacted with the supercritical fluid.

Claim 6 (canceled)

Claim 7 (original): The method according to claim 1 wherein the supercritical fluid is supercritical carbon dioxide.

Claims 8 and 9 (canceled)

Claim 10 (currently amended): A method of forming a porous-structure particles having a desired degree of porosity, the method comprising:

providing a first material that is not soluble in a supercritical fluid;

providing a second material that is soluble in a supercritical fluid;

contacting the first material and the second material together under conditions adequate to form a composite particles, wherein the amount and distribution of the second material in the composite particles determines the porosity of the resulting porous-structure particles; and

contacting the composite particles with the supercritical fluid to extract the second material from the composite particles and thus form the porous structure particles having an aerodynamic size range of from about 0.5 to about 5 microns and a geometric volume diameter of from about 1 to about 20 microns.